

REMARKS

The Examiner has rejected Claims 17-29, 33 and 35-44 under 35 U.S.C. 101 as being directed toward non-statutory subject matter. Applicant respectfully disagrees with the rejection of Claims 38-44 since such claims recite a method and not "a system with means for performing certain steps utilizing hardware," as suggested by the Examiner. Additionally, applicant respectfully asserts that the rejection of the remaining claims has been avoided by virtue of the amendments made hereinabove to independent Claims 1, 17, 33 and 35.

The Examiner has rejected Claims 1, 2, 4-7, 8-13, 17-18, 20-24, 25-29, 33-35, 38-40, 42 and 44 under 35 U.S.C. 103(a) as being unpatentable over Grupe (U.S. Publication No. 2002/0194212) in view of Futral (U.S. Patent No. 6,615,282), and in further view of Peikari (U.S. Publication No. 2002/0166085). Additionally, the Examiner has rejected Claims 3, 19, 36, 41 and 43 under 35 U.S.C. 103(a) as being unpatentable over Grupe, Futral, Peikari, and further in view of Zuta (WO 98/45778). Applicant respectfully disagrees with such rejection.

Applicant respectfully asserts that Grupe and the present application were both owned by and/or subject to an obligation of assignment to Networks Associates Technology, Inc., or any subsidiaries thereof, at the time of invention of the subject matter in the present application. Thus, Grupe is believed to be disqualified as a prior art reference under 35 U.S.C. 103(c).

In particular, the Grupe reference had not yet issued as of the filing date of the present application (07/26/2001). Therefore, the rejection of Claims 1-7, 8-13, 17-24, 25-29 and 33-44 under 35 U.S.C. 103(a) is based on 35 U.S.C. 102(e) prior art. As a result, Grupe is disqualified as prior art to the present invention under 35 U.S.C. 103(c). Please find the attached statement signed by an attorney of record indicating that Grupe and the present application were both owned by and/or subject to an obligation of assignment to

Networks Associates Technology, Inc., or any subsidiaries thereof, at the time of invention of the subject matter in the present application.

Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

To this end, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NA11P014).

Respectfully submitted,  
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